

insideinformation – fact sheet

Work and Education

Information courtesy of Ffion Jones of ABM Solicitors Manchester

Work

All convicted prisoners are required to do a maximum of 10 hours useful work a day during their sentence. (Rule 31(1)) Prisoners on remand are not obliged to work, however they should be provided with work upon request by the prisoner.

Numerous discussions have taken place concerning Rule 31 (1) due to the fact that Article 4 of the European Convention of Human Rights (ECHR) prohibits forced or compulsorily labour. However, Article 4(3) of the ECHR provides an exception being for the purpose of ordinary work done in the course of detention.

The rates of pay for prisoner are set out in PSO 4460. All prisoners who participate in purposeful activity must be paid. Prisoners may however lose earnings for disciplinary reasons. A prisoner who refuses to work unsurprisingly will not receive pay. In relation to un-convicted prisoners who chose to work, they must be paid at the same rates as convicted prisoners.

PSO 4460 sets out interruption allowances that will be made in a working week for the purpose of authorised absences which include Governor's applications, welfare interviews and sick parade without loss of pay. In addition a prisoner will not suffer any loss of pay for visits, religious observance and any other regime approved by the Governor and these will not count towards the interruptions allowance.

Absences due to court attendance, home leave and compassionate leave unfortunately will attract no pay.

The minimum employed rate of pay is £4-00 per week. If a prisoner is unemployed due to shortage of work in the prison then a payment of £2-50 per week is provided. Equally a payment of £2-50 per week is allowed for prisoners on short term sickness.

For prisoners on long term sickness, retirement, maternity leave or those who are full time carers of children then a weekly payment of £3-25 per week is allowed.

Finally, the allowance for prisoners staying in hospital is £4-35 per week or 60p per day.

Prisoners who are employed in work, education, training or offending behaviour programmes must receive at least the minimum weekly rate.

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Education

Prison Rule 32 indicates that every prisoner able to profit from education should be able to do so. It also sets out that educational classes shall be provided at every prison and reasonable facilities shall be offered to prisoners who wish to do so to improve their education. This may be provided by way of training, distance learning, private study and / or recreational study in spare time.

Moreover, special attention shall be paid to the education and training of prisoners with special educational needs, and if necessary they shall be taught within the hours normally allotted to work.

Prison Rule 33 states that a library shall be provided in every prison and, subject to the directions of the Secretary of State, every prisoner shall be allowed to have library books and exchange them.

PSO 4205 provides that the purpose of education within prison is to address the offending behaviour of inmates, by improving employability and thus reduce the likelihood of reoffending upon release. The objectives set out to achieve this include:

1. Ensuring all sentenced prisoners are offered the Basic Skills Agency screening test on reception as part of the induction process.
2. Providing a core curriculum of basic and key skills to ensure that all inmates who have literacy and numeracy skills below level 2 competence are able to achieve nationally accredited qualifications.
3. Establishing a progress file for every prisoner in full time or part time education which includes an individual action plan and specific targets.

All education and training undertaken during the core day will be aimed at reducing offending behaviour as part of a prisoner's sentence plan.

IMPORTANT NOTICE

Information is given on a strictly 'without-liability' basis, and should be considered for use as guidance only. If you propose taking further action based upon this information you are strongly advised to take further and more specific legal advice before doing so.

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